

Bureau of Indian Affairs, Interior

§ 141.38

§ 141.34 Pawnbroker records.

Each pawnbroker shall keep a written record of the following information:

- (a) Transaction number.
- (b) Name of pledgor.
- (c) Address of pledgor.
- (d) Census number or social security number of pledgor.
- (e) Date of transaction.
- (f) Replacement value of pawn.
- (g) Description of pawned item.
- (h) Amount loaned in cash.
- (i) Amount loaned as credit.
- (j) Finance charge.
- (k) Amount financed.
- (l) Date and amount of payments made by pledgor.
- (m) Date notice of default sent to pledgor.
- (n) Date pawned item sold.
- (o) Name and address of purchaser.
- (p) Amount received upon sale.
- (q) Amount of any surplus returned to the pledgor.
- (r) Such other information as the Commissioner may require.

§ 141.35 Pawnbroker disclosure requirements.

In all transactions in which pawn is taken the lender shall give the borrower a written ticket or receipt disclosing the following information to the extent applicable:

- (a) Clear identification of the property pledged.
- (b) The date of the transaction.
- (c) Amount of the loan.
- (d) Name and social security or census number of the pledgor.
- (e) Replacement value of the pawn as agreed upon by the pledgor and pledgee.
- (f) Date on which loan is due.
- (g) The amount, expressed as a dollar amount, of any finance charges.
- (h) The finance charges expressed as an annual percentage rate and computed in accordance with the provisions of 12 CFR 226.5(b).
- (i) The amount, or method of computing the amount, of any charges to be assessed after the date the loan is due.
- (j) A statement of the conditions of default and the pledgor's rights upon default, as defined by this part.

(k) Identification of the method of computing any unearned portion of the finance charges in the event of prepayment of the obligation.

§ 141.36 Maximum finance charges on pawn transactions.

No pawnbroker may impose an annual finance charge greater than twenty-four percent (24 percent) of the unpaid balance for the period of the loan nor assess late charges or delinquency charges on any loan.

§ 141.37 Prepayment.

(a) Subject to the provisions of paragraph (b) of this section, the pledgor may prepay in full or in any part the unpaid balance of a loan at any time without penalty.

(b) When a loan is prepaid the lender may collect the earned portion of the finance charge or may charge an administrative fee not to exceed ten percent (10 percent) of the unearned finance charge or two dollars (\$2) whichever is greater.

§ 141.38 Pawn loans, period, notice and sale.

(a) The proceeds of all loans secured by pawn and for which a finance charge is imposed shall be paid only in cash or with a fully negotiable check.

(b) The period of all such loans shall be no less than twelve (12) months, subject to the provisions of paragraph (c).

(c) Thirty (30) days prior to the end of the loan period the pledgee may make a declaration of intention to proceed with sale of the pawned item by sending notice of intent to the pledgor.

(d) The notice required in paragraph (c) of this section shall be sent to the pledgor and proof of delivery obtained and shall contain a description of the item pawned, a statement of the principal and finance charge owed, a statement of the intention to sell, the date of the sale, and the procedure for redemption.

(e) Nothing in this section requires the business owner to proceed with notice and sale if the business owner desires to hold the pawn for a period longer than the loan period stated in the original agreement.

(f) Unless notice is given under paragraph (c) of this section, or the loan is